

February 13, 2026

BY ECF

Hon. Steven Tiscione
United States Magistrate Judge
Eastern District of New York
100 Federal Plaza
Central Islip, NY 11722

SEC v. Smith et al., 24 Civ. 6004 (NCM) (ST)

Dear Judge Tiscione:

This firm represents Joshua Constantin in the above-captioned action. We respectfully write, with the consent of Plaintiff United States Securities and Exchange Commission (the “SEC”), to request that the settlement conference currently scheduled for February 18, 2026 be adjourned for approximately three weeks, to a date amenable to the Court, in order to allow the parties to continue good-faith settlement discussions in which we are currently engaged prior to the conference.

In particular, Mr. Constantin produced a declaration to the SEC on February 8, 2026, and intends to produce additional documents in response to SEC requests within the next several weeks. We believe that the settlement conference is likely to be more productive after we have produced those materials, and a period of approximately three weeks will also allow the parties to continue to build on the discussions we are engaging in concerning a potential resolution.

I have conferred with the SEC, and they consent to this request, in light of Mr. Constantin’s commitment to provide additional documents to them over the course of the next several weeks. As a scheduling note, I respectfully ask that the conference not be scheduled for March 11, 12, or 13, as I will be outside of New York State on those days on pre-planned business travel and unable to attend.

In the event that the Court denies the requested adjournment, I respectfully request that Mr. Constantin be permitted to appear on February 18 virtually, as he is located in Louisiana and for reasons unrelated to this matter, traveling to New York next week will be challenging for him. I have ensured that Mr. Constantin will be able to travel to New York for the conference should it be rescheduled for a date in March 2026.

I thank the Court for considering this request.



Respectfully submitted,

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/s/

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